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Attorney for Defendant
TROY URIE

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

TROY URIE,

Defendant.

No. CR.S-03-534 FCD

STIPULATION AND ORDER
TO CONTINUE MOTION
HEARING DATE; FINDING
OF EXCLUDABLE TIME

The United States of America, through Assistant U.S. Attorney Heiko Coppola, and defendant Troy Urie, through his counsel Scott L. Tedmon, hereby stipulate and agree as follows:

1. Defendant Urie filed a collateral estoppel motion on August 10, 2009. The government filed its response on October 5, 2009. Defendant Urie filed his reply on November 16, 2009. The current hearing date on the motion is set for November 30, 2009 at 10:00 a.m.

2. In this case, the Court has previously excluded time under the Speedy Trial Act through November 30, 2009 under 18 U.S.C. §3161(h)(7)(B)(ii) and (iv), [Local Code T2 and T4], complex case and counsel's need for time to prepare; and 18 U.S.C. § 3161(h)(1)(D) [Local Code E] for delay related to the filing of pretrial motions, from the filing of the motion on August 10, 2009 through the conclusion of the hearing on November 30, 2009.

3. Counsel for the government is not available to appear on the currently set hearing date of November 30, 2009. The parties have agreed to continue the date of the hearing to December 7,

2009 at 10:00 a.m.

4. In addition to the pending motion, the defense continues to conduct their investigation and review of the case. The parties stipulate that the Court's finding of complexity and counsel's need for time to prepare pursuant to 18 U.S.C. § 3161(h)(7)(B)(ii) and (iv) is appropriate.

5. The parties stipulate and agree that the Court should reiterate its previous finding that time should be excluded under the Speedy Trial Act, pursuant to 18 U.S.C. §3161(h)(7)(B)(ii) and (iv), [Local Code T2 and T4], and that the ends of justice therefore outweigh the best interest of the public in a speedy trial.

6. Accordingly, it is hereby stipulated and the parties agree that time be excluded from November 9, 2009 through November 30, 2009 under the Speedy Trial Act pursuant to 18 U.S.C. §3161(h)(7)(B)(ii) and (iv), [Local Code T2 and T4], in that this case is complex, counsel for the parties need time to prepare, and that the ends of justice outweigh the best interest of the public in a speedy trial.

7. Additionally, the parties stipulate and agree that time should also be excluded under 18 U.S.C. § 3161(h)(1)(D) [Local Code E] for delay related to the filing of pretrial motions, from the filing of the motion on August 10, 2009 through the conclusion of the hearing on December 7, 2009.

8. Michele Krueger has approved the requested court date.

9. Scott L. Tedmon has been authorized by the government's counsel to sign this stipulation on his behalf.

IT IS SO STIPULATED.

DATED: November 23, 2009

BENJAMIN B. WAGNER
United States Attorney

/s/ Heiko Coppola
HEIKO COPPOLA
Assistant United States Attorney

DATED: November 23, 2009

LAW OFFICES OF SCOTT L. TEDMON

/s/ Scott L. Tedmon
SCOTT L. TEDMON
Attorney for Defendant Troy Urie

ORDER

GOOD CAUSE APPEARING and based upon the above stipulation, the Court adopts the following schedule on the issue of collateral estoppel and IT IS ORDERED:

Non-evidentiary hearing on motion: Monday, December 7, 2009 at 10:00 a.m.

The Court reiterates its previous finding that time be excluded under the Speedy Trial Act pursuant to 18 U.S.C. §3161(h)(7)(B)(ii) and (iv), [Local Code T2 and T4], in that the case is complex, that counsel needs additional time to prepare, and that the ends of justice therefore outweigh the best interest of the public in a speedy trial. The Court also finds that time should be excluded under 18 U.S.C. § 3161(h)(1)(D) [Local Code E] for the delay related to the filing of pretrial motions, from the filing date of the motion on August 10, 2009 through the conclusion of the hearing on December 7, 2009.

Accordingly, IT IS FURTHER ORDERED that pursuant to 18 U.S.C. §3161(h)(7)(B)(ii) and (iv), [Local Code T2 and T4] the period from November 30, 2009, to and including December 7, 2009, is excluded from the time computations required by the Speedy Trial Act.

IT IS ALSO FURTHER ORDERED that pursuant to 18 U.S.C. § 3161(h)(1)(D), [Local Code E] the period from August 10, 2009 to and including December 7, 2009, is also excluded from the time computations required by the Speedy Trial Act.

IT IS SO ORDERED.

DATED: November 23, 2009



FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE